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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,678	09/25/2003	Keith A. Thuerk	BOC9-2003-0004 (373)	7522
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Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401			EXAMINER PAULS, JOHN A	
			ART UNIT 3686	PAPER NUMBER
			MAIL DATE 09/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/670,678

**Applicant(s)**

THUERK, KEITH A.

**Examiner**

JOHN A. PAULS

**Art Unit**

3686

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.3.11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.3.11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 September, 2009 has been entered.

### ***Status of Claims***

2. This action is in reply to the communication filed on 10 September, 2009.
3. Claims 1, 3, 11, 14, 15 and 16 have been amended.
4. Claims 2, 4 – 10, 12 and 17 – 22 have been cancelled
5. Claims 1, 3, 11 and 13 - 16 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1, 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofano et al. (US PGPUB 2002/0059587 A1) and in further view of Goodwin et al. (US PGPUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A) an din further view of Beyda (US PGPUB 2003/0229670 A1).

#### **CLAIMS 1, 11 and 15**

Cofano as shown discloses a system and method for providing personalized services with the following limitations:

- *at least one private display (user interface) for displaying the confidential information displayed by the publicly accessible display, wherein the private display is accessible only to authorized personnel, wherein the at least one publicly accessible display (user interface) and at least one private display are connected through a network*; (see at least Cofano paragraphs 0056, 0057, 0081, 0082, 0094, 0098, 0101 and 0103);
- *displaying the confidential information at the private display*; (see at least Cofano paragraphs 0056, 0057, 0081, 0082, 0094, 0098, 0101 and 0103);
- *storing at least a portion of the confidential information*; (see at least Cofano paragraphs 0015, 0027, 0041 and 0103);

- *an input device for receiving the confidential information from the user, the input device being connected to the publicly accessible display; (see at least Cofano paragraph 0056, 0058 and 0068).*

Examiner notes that medical information must be maintained in a confidential manner in accordance with the Health Insurance Portability and Accountability Act of 1996 and is therefore “confidential information”. See Applicant’s own admission, Description of the Related Art, page 1).

Examiner notes that Cofano discloses a system that will only display medical records to “individuals authorized to receive it”. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano so as to have included “private displays” for authorized individuals, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Cofano discloses the limitations shown above. Cofano may or may not disclose that the user interface is a “publicly accessible display”; however, Goodwin in at least paragraph 0003 and 0004 discloses a system that protects the confidential information of a user at a publicly accessible kiosk. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano so as to have included publicly accessible user interfaces, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Cofano/Goodwin as shown discloses the limitations above. Additionally, Goodwin discloses the following limitations:

- *providing a system including at least one publicly accessible display for displaying confidential information supplied by a user; (see at least Goodwin paragraph 0003 and 0004);*
- *receiving the confidential information supplied by the user from an input device connected to the publicly accessible display; (see at least Goodwin paragraph 0016 and 0025);*
- *displaying the confidential information at the publicly accessible display for a predetermined time period; (see at least Goodwin paragraph 0007, 0010, 0023 and 0024);*
- *concealing the confidential information displayed at the publicly accessible display upon expiration of the predetermined time period or upon a user request, the concealing step including at least one of: removing the confidential information from the publicly accessible display; covering the confidential information; and presenting the information in a nonsensical format; (see at least Goodwin paragraph 0023 and 0024).*

Goodwin discloses a personal information protection system which includes concealing confidential information at a public display. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano so as to have included concealing confidential information at a public display,

in accordance with the teaching of Goodwin, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Cofano/Goodwin as shown discloses the limitations above.

Cofano/Goodwin may or may not specifically disclose the following limitations, however, Goodman does:

- *the publicly accessible display is configured to display the confidential information to only a view from within a predetermined viewing angle and a predetermined distance to the publicly accessible display;* (see at least Goodman column 5 line 19 – 29; column 6 line 46 – 49 and line 59 – 67; column 8 line 66 to column 9 line 5 and Claim 12.

Goodman discloses a private display system which includes concealing confidential information at a public display within a viewing angle and distance. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano/Goodwin so as to have included concealing confidential information at a public display within a viewing angle and distance, in accordance with the teaching of Goodman, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Cofano/Goodwin/Goodman discloses the limitations shown above.

Cofano/Goodwin/Goodman may or may not disclose the following limitation; however, Beyda does:

- *sending a notification signal to the authorized personnel indicating that the user is present; (see at least Beyda paragraph 0050);*

Beyda discloses a notification system which includes notification of their presence. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano/Goodwin/Goodman so as to have included notification of their presence, in accordance with the teaching of Beyda, in order to provide notification even when a user is not at their computer, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### **CLAIM 13**

The combination of Cofano/Goodwin/Goodman/Beyda discloses the limitations shown above relative to Claim 11. Beyda also discloses the following limitations:

- *at least one wireless transceiver for at least one of sending and receiving at least a portion of the confidential information; (see at least Beyda paragraph 0028 and 0031).*

Beyda discloses a notification system which includes wireless communications. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano/Goodwin/Goodman so as to have included wireless communications, in accordance with the teaching of Beyda, in order to provide notification even when a user is not at their computer, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.



9. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofano et al. (US PG PUB 2002/0059587 A1) and in further view of Goodwin et al. (US PG PUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A) an din further view of Beyda (US PG PUB 2003/0229670 A1) and in further view of Johnson et al. (US 5,664,109 A).

### CLAIMS 3 and 16

The combination of Cofano/Goodwin/Goodman/Beyda as shown discloses the limitations shown above relative to Claims 1 and 15. Cofano/Goodwin/Goodman/Beyda may or may not disclose the following limitations; however, Johnson does:

- *notification signal is sent to a health care professional;* (see at least Johnson column 3 line 11 - 17).

Johnson discloses a healthcare data system which includes notification a healthcare provider. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of Cofano/Goodwin/Goodman/Beyda so as to have included notification of a healthcare provider, in accordance with the teaching of Johnson, in order to provide notification to a healthcare provider even when the healthcare provider is not at their computer, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cofano et al. (US PG PUB 2002/0059587 A1) and in further view of Goodwin et al. (US PG PUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A) an din

further view of Beyda (US PGPUB 2003/0229670 A1) and in further view of Sun (US PGPUB 2002/0022973 A1) and in further view of Brown (US 5,897,493 A).

#### **CLAIM 14**

Cofano/Goodwin/Goodman/Beyda discloses the limitations shown above relative to Claim 11. Cofano/Goodwin/Goodman/Beyda may or may not disclose the following limitations; however, Sun does:

- *a housing for supporting said input device and said publicly accessible display, see at least Sun paragraph 0027).*

Sun discloses a healthcare data system which includes a housing supporting the input device and display. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the personalized services system of

Cofano/Goodwin/Goodman/Beyda so as to have included a housing supporting the input device and display, in accordance with the teaching of Sun, in order to provide protection for the input device and display, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Cofano/Goodwin/Goodman/Beyda/Sun discloses the limitations shown above.

Cofano/Goodwin/Goodman/Beyda/Sun may or may not specifically disclose the following limitations; however, Brown does:

- *private display is remotely located from said housing; (see at least Brown column 2 line 39 – 67 and Figure 1).*

Brown discloses a healthcare monitoring system which includes a remote display. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have

modified the personalized services system of Cofano/Goodwin/Goodman/Beyda/Sun so as to have included a remote display, in accordance with the teaching of Brown, in order to provide remote access to patient information allowing practitioners to provide higher quality care at less expense, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 11 and 15 have been considered but they are moot in view of the new grounds of rejection.

Applicant argues that Johnson does not disclose unique subject identifiers pre-assigned by the central record keeping system or used for linking. However, this feature is not claimed.

Applicant argues that Goodwin does not disclose a system including a publicly accessible display and a private display. It appears as if the applicant is attacking the references in a piecemeal fashion, instead of in combination, as intended by the Examiner and as shown above in the rejections under 35 USC § 103(a).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **(571) 270-5557**. The Examiner can normally be reached on Monday to Friday 7:30 to 5:00 4/5/9. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to **(571) 273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

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/J. A. P./

Examiner, Art Unit 3686

Date: 15 September, 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686